

REMARKS

Claims 1-11 are pending. Independent claims 1 and 4 have been amended.

In paragraph 1 of the Office Action, claims 1-11 were rejected under 35 USC 101 as being directed to non-statutory subject matter.

Independent claims 1 and 4 have been amended to recite that the steps are performed “automatically, via a computer”. A computer is statutory subject matter, thus, claims 1-11 recite statutory subject matter.

Withdrawal of the rejection of claims 1-11 under 35 USC 101 is requested.

In paragraph 3 of the Office Action, claims 1-11 were rejected under 35 USC 102(e) as being unpatentable over U.S. Patent No. 6,029,146 (Hawkins).

Claim 1 relates to a method of facilitating trading, sending a trial order to a market, and receiving a report indicating that the trial order would have been paired if it had been a regular order, wherein a trial order is for discovery of market depth at a price and is not an order to buy or sell shares.

Support for claim 1 may be found in the specification at pages 27-28 and 114-115, and in Fig. 98.

Hawkins is directed to a securities trading settlement system. Hawkins is not concerned with discovery of market depth at a price, as specifically recited in claim 1, and further fails to show or suggest sending to a market a trial order that is not an order to buy or sell shares, as specifically recited in claim 1.

Thus, claim 1 is not anticipated by Hawkins. Claims 2-3, in depending from claim 1, incorporate all of its features and each of these claims is similarly patentably distinguishable from Hawkins.

Claim 4 relates to method of facilitating trading, comprising receiving a trial order, entering the trial order into an order file, and reporting when the trial order would have been paired had it been a regular order, wherein a trial order is for discovery of market depth at a price and is not an order to buy or sell shares.

Hawkins fails to show or suggest the trial order specifically recited in claim 4, and further fails to show or suggest the specific processing of the trial order recited in claim 4.

Thus, claim 4 is not anticipated by Hawkins. Claims 5-11, in depending from claim 4, incorporate all of its features and each of these claims is similarly patentably distinguishable from Hawkins.

Withdrawal of the rejection of claims 1-11 under 35 USC 102(e) is requested.

The Examiner is encouraged to call the undersigned to discuss any issues with this application. A Notice of Allowance is solicited.

Respectfully submitted,

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